

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-3, 6, 8-21, 23, and 24 are pending in the application. Claims 4, 5, and 7 were previously canceled and claim 22 is presently canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1-3, 6, 8-10, 17-21, and 23 are withdrawn. Claim 11 has been amended, and claim 24 is newly added. Support for the claim amendments and additions can be found in the original disclosure as filed. No new matter has been added.

Request for Rejoinder of Withdrawn Claims

Claims 1-3, 6, 8-10, 17-21, and 23 were previously withdrawn as being directed to a non-elected invention. However, the elected claims now recite substantially all the features of the withdrawn claims. Accordingly, in order to properly examine the subject matter of elected claims 11-16 and 23, the Examiner would have to search all of the features of the withdrawn claims. Accordingly, the withdrawn claims should be rejoined and examined on the merits.

Art Rejections

In the Office Action, claims 11-16 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,395,957 (Griffin). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, dependent claim 22 has been canceled without prejudice and independent claim 11 has been amended for clarification.

Independent Claim 11, as presently presented, is directed to a saw comprising, among other things, a cutting guide held by the cutting guide holder, the cutting guide comprising a

body portion having a leading edge, a trailing edge, and an opening therethrough, the opening having a continuous perimeter defined by the body portion, and an engagement portion concentrically attached to the body portion. The leading edge is adapted to guide the saw while a cut is being made in a material. The opening in the body portion is adapted to accept a portion of a user's hand, such that pressure can be applied by the user to a portion of the guide inside the opening to hold the engagement portion in contact with the material.

Griffin fails to disclose or suggest such features. Griffin discloses a handsaw that can be used as a square and that has a pencil holder. The pencil holder includes a U-shaped member secured at each end to the saw handle, and a spring having downwardly bowed portions and outwardly curved extremities (Griffin, In. 52-61). However, Griffin fails to disclose a saw having a cutting guide held by the cutting guide holder, the cutting guide comprising a body portion having a leading edge, a trailing edge, and an opening therethrough, the opening having a continuous perimeter defined by the body portion, wherein the opening in the body portion is adapted to accept a portion of a user's hand, such that pressure can be applied by the user to a portion of the guide inside the opening to hold the engagement portion in contact with the material, as presently recited in independent claim 11. Accordingly, Applicants submit that claim 11 is allowable over the Griffin patent.

Dependent claims 12-16 depend from independent claim 11 and are allowable by virtue of this dependency, as well as for additional features that they recite. For example, claim 14 recites that “the raised portions are attached to the handle on each lateral side of the handle.” The Office Action asserts that this feature is met by the “vertical portions of the cutting guide holder” of Griffin. However, referring to FIG. 1 of Griffin, Applicant notes that the vertical portions of the cutting guide appear to be located above the handle, not “on each lateral side,” as

recited in dependent claim 14. Accordingly, claim 14 is allowable for at least this additional reason.

New claim 24 depends from independent claim 11 and is allowable by virtue of this dependency, as well as for the additional features that it recites. For example, claim 24 recites, among other things, that “the cutting guide further comprises a groove disposed in an outer surface of the body portion on the leading or trailing edge of the body portion, the groove being configured to fit in a cutting guide holder attached to a saw,” that “the engagement portion is constructed of one of rubber and plastic, and is shaped to conform to the material to be cut, the engagement portion being removably attached to the body portion,” and that “the body portion is cylindrical and is constructed of a hardened metal.” None of the foregoing features of dependent claim 24 is disclosed or suggested by Griffin. Accordingly, new claim 24 is allowable for at least these additional reasons.

Conclusion

For at least the foregoing reasons, claims 11-16 and 24 are in condition for allowance. In addition, withdrawn claims 1-3, 6, 8-10, 17-21, and 23 should be rejoined and are also in condition for allowance. Applicants respectfully request reconsideration and withdrawal of the rejections, rejoinder of the withdrawn claims, and a notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

Date: April 28, 2006

By: /s/ David A. Divine
David A. Divine
Lee & Hayes, PLLC
Reg. No. 51,275
(509) 324-9256 ext. 233